

Summary

The purpose of this master's degree thesis is to analyze a fundamental area of Civil Law – the consequences of defects in legal acts. The reason for this research is that this area of law is of great importance mainly but not limited to the contractual obligations and the numerous changes introduced by the new statute, the Act No. 89/2012 Coll., The Civil Code, gave rise to a large number of potential issues.

The main objective is to provide a general overview of legal consequences of defective legal acts in order to better understand the context and the development in this area. The differences between particular consequences are appropriately highlighted and, where relevant, the paper provides comparison with the former legislation and points out the significant case law.

The paper is composed of the Introduction, three Chapters and the Conclusion. Chapter One is introductory and defines the concept of “legal acts” and its essentials. In addition, a notion of defects in legal acts is presented.

Chapter Two is an analysis of the various consequences of defects in legal acts. It is subdivided into four parts. Part One describes the new concept of non-existence in detail and the most disputable areas are discussed. It is argued that the concept of non-existence, although theoretically sound, does not provide any practical benefits and all of the difficulties are therefore unnecessary.

Part Two concentrates on the analysis of the invalidity and the main changes in this area are outlined. Subsequently, the possible consequences of specific grounds for invalidity are examined. It is argued that legislator has improved the concept of invalidity by limiting the negative consequences of invalidity to minimum.

Part Three addresses the issue of relative ineffectiveness. It is suggested that the purpose of relative ineffectiveness is entirely different, i.e. not to sanction defects in legal acts, but to protect a creditor against unlawful conduct of a debtor. Part Four investigates other theoretical consequences of defects in legal acts.

Chapter Three illustrates the approach of English Law towards this area of law. Possible legal consequences of defects in legal acts are discussed and fundamental differences between Czech and English approach are pointed out.

Finally, the Conclusion summarizes the most significant findings and critically evaluates recent changes in this area of law.